

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

WILLIAM POSTON,)	
)	
<i>Plaintiff,</i>)	Case No. 3:22-cv-89
)	
v.)	Judge Atchley
)	
)	Magistrate Judge McCook
SERGEANT C-4 F/N/U MALICOTE,)	
)	
<i>Defendant.</i>)	

MEMORANDUM & ORDER

Plaintiff William Poston, an inmate housed at the Campbell County Jail, has filed a letter that the Court construes as a motion to reopen this pro se prisoner's civil rights action for violation of 42 U.S.C. § 1983. [Doc. 13].

On May 13, 2022, this Court dismissed Plaintiff's complaint for want of prosecution after Plaintiff failed to timely submit a service packet for Defendant Sergeant C-4 F/N/U Malicote. [Docs. 11 and 12]. On May 31, 2022, the Court received a letter from Plaintiff in which he advises the Court that he never received a service packet or Order for service from the Court. [Doc. 13].

Upon due consideration, the Court finds that Plaintiff has established mistake or inadvertence for failing to timely submit the required service packet; and thus, his motion [Doc. 13] is **GRANTED** pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. The Court's May 13, 2022, Memorandum Opinion [Doc. 11] and Judgment Order [Doc. 12] are hereby **VACATED**.

The Clerk is **DIRECTED** to reopen this cause as an active case and send Plaintiff (1) a copy of this Court's April 6, 2022, screening Order [Doc. 10] and (2) a service packet for

Defendant Malicote. Plaintiff is **ORDERED** to complete the service packet and return it to the Court **within twenty-one (21) days** of entry of this Order. Plaintiff is **NOTIFIED** that this action will be dismissed if he fails to timely return the completed service packet.

Plaintiff is further **NOTIFIED** that it is not proper to file letters to the Court, and that any future filing in which he seeks relief must include the word “Motion” in its title. Any request for relief from the Court that is not designated as a motion will hereafter be filed as correspondence.

Finally, Plaintiff is **ORDERED** to immediately inform the Court and Defendants, or their counsel of record, of any address changes in writing. Pursuant to Local Rule 83.13, it is the duty of a pro se party to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. E.D. Tenn. L.R. 83.13. Failure to provide a correct address to this Court within fourteen (14) days of any change in address may result in the dismissal of this action.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE